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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,847	03/10/2004	Anthony Levas	728-241 (YOR920030583US1)	6373
28249	7590	10/29/2007	EXAMINER JACKSON, JAKIEDA R	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. SUITE 702 UNIONDALE, NY 11553			ART UNIT 2626	PAPER NUMBER
		MAIL DATE 10/29/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,847	LEVAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jakieda R. Jackson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-10,12-19 and 21-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-2, 4-10, 12-19 and 21-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed June 15, 2007, applicant submitted an amendment filed on August 15, 2007, in which the applicant amended and requested reconsideration with respect to **claim 1**.

### ***Response to Arguments***

2. Applicant's argue that Kovesdi relates to a system that visually presents data and its description. Kovesdi does not audibly present information from different positions in space.

Kovesdi teaches that the tour can be implemented using a headphone output (column 4, paragraph 0044) and that the device may function without a display (column 4, paragraph 0045). That implies that the information can be audibly presented. However, Applicants arguments are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kovesdi et al. (PGPUB 2003/0155413), hereinafter referenced as Kovesdi in view of Andrews et al. (PGPUB 2004/0061646), hereinafter referenced as Andrews.

Regarding **claims 1, 9 and 18**, Kovesdi discloses a method, system and computer program, hereinafter referenced as a method for presenting and browsing information, comprising the steps of:

classifying the information into a plurality of classes and sub-classes, each class having at least one sub-class (winter/summer; column 4, paragraph 0039 and column 5, paragraph 0054);

presenting the plurality of classes of information to a user (display; column 4, paragraph 0045 and column 13, paragraph 0095-0096).

directional tagging said classified information for spatial presentation (tags; column 4, paragraph 0039 and paragraphs 0044-0045 with column 6, paragraph 0060-0062), and

wherein each class is audibly presented (headphone output; column 4, paragraph 0039 and paragraphs 0044-0045 with column 6, paragraph 0060-0062), but does not specifically teach wherein each class is audibly presented from a different position in space based on the directional tagging.

Andrew discloses a method and apparatus for location determination based on dispersed RF tags wherein each class (classes; column 3, paragraph 0028) is audibly presented from a different position in space (audibly telling user; column 6, paragraphs

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0060) based on the directional tagging (RF tags; column 1, paragraphs 0001, 0006 and 0014 with column 2, paragraph 0020), to track information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kovesdi's method wherein it is described above, to help visually impaired user or any other users who desire help with navigating (column 6, paragraph 0060).

Regarding **claims 2, 10 and 19**, Kovesdi discloses a method further comprising the step of interactively controlling the presentation of the sub-classes (column 8, paragraph 0075 and column 13, paragraph 0095-0096).

Regarding **claims 4, 12 and 21**, Kovesdi discloses a method wherein the interactively controlling step includes the steps of:

receiving an input command from the user, said input command containing information identifying a position in space from which a class was presented (objects in the proximity/location determination; column 7, paragraph 0064); and

presenting sub-class information of the class said input command identified (column 8, paragraph 0075 and column 13, paragraph 0095-0096).

Regarding **claims 5, 13 and 22**, Kovesdi discloses a method wherein the input command is received through a spoken command from the user (speech recognizer; column 6, paragraph 0059 with column 7, paragraph 0064).

Regarding **claims 6, 14 and 23**, Kovesdi discloses a method wherein the input command is received through an input device having means for determining a direction to which a user points (objects in the proximity/location determination; column 7,

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paragraph 0064 with GPS; column 4, paragraphs 0040-0041 and column 13, paragraph 0098).

Regarding **claims 7, 15 and 24**, Kovesdi discloses a method wherein the input command is received through an electrical or mechanical input device (inputting information; columns 4-5, paragraph 0046 and column 12, paragraph 0089).

Regarding **claims 8, 16 and 25**, Kovesdi discloses a method wherein the interactively controlling step includes the steps of:

receiving an input command from the user, said input command containing information identifying a class or sub-class (column 39, paragraphs 0039-;0040) and presenting further information of the class or sub-class said input command identified (objects in the proximity/location determination; column 7, paragraph 0064).

Regarding **claim 26**, Kavesdi discloses a method wherein the input command is received through at least one of a speech recognition system, an input device having means for determining a direction to which a user points and a standard computer input device (speech recognizer; column 6, paragraph 0059 with column 7, paragraph 0064).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ  
October 18, 2007



DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER